

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the matter of

Creation of a Low Power Radio Service

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) MM Docket 99-25  
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**EXECUTIVE SUMMARY**

In response to a Commission Notice of Proposed Rulemaking (NPRM), The Colleges of the Seneca, Inc., licensee of non-commercial radio station WEOS(FM), and translator W212BA, files the following comments regarding changes to the Low Power FM ("LPFM") Service by addressing issues raised by the FCC. In our comments, we address the following positions:

- Support changes in over 50% of board members in an assignment application.
- Maintain the prohibition on the transfer of original construction permits on the verge of expiration.
- Support voluntary transfers of LPFM licenses on a non-profit basis.
- Prohibit LPFM stations to own translators.
- New service rules for LPFM stations carried over non-commonly owned translators.
- Maintain the 18 month period for construction permits.
- Maintain IF channel protections to domestic full power and FM translator stations.
- Maintain current method for LPFM protection to FM translators and Channel 6 low power TV.
- Maintain current LPFM channel protections, including 3<sup>rd</sup> adjacent channel.
- Propose changes to translator rules to eliminate protection to "distant" translators fed by non-off air methods.
- Maintain current LPFM status for LP-100 and LP-10.

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**Comments of the Colleges of the Seneca, Inc.**

1. The Colleges of the Seneca, Inc. ("Seneca"), is a private liberal arts college and licensee of public radio station WEOS(FM), and translator W212BA, Geneva. They are also the applicant of for a new station in Ithaca, NY.

2. Seneca has reviewed the *Second Order on Reconsideration and Further Notice of Proposed Rulemaking* ("Notice") and accordingly, files the following comments.

3. Overall, some of the changes the Commission is proposing will allow LPFM stations to be able to address situations that are a reality in the day to day operation of a non-profit organization. Additional changes suggested by the Commission and those that will be proposed by SENECA in this filing will provide relief for LPFM, and allow for more local stations, with the reform of translator rules.

4. LPFM operators have found that it is extremely difficult to transfer control from one elected board to another without violating the rules prohibiting the change of more than 50% of the governing board. Since many of these boards are elected, it is very possible that the results of such board elections would result in over 50% of the members changing after a single election. In some organizations, this is encouraged as it gives more people an opportunity to take on a leadership role with the organization.

5. *Board Changes.* SENECA supports rule changes that would permit an LPFM station to change more than 50% of its board members at one time. In this case the entity name must remain the same, however, allowances should be given in cases where the entity name changes designate an "old board" changing to a "new board". In this case, the actual organization operating the station is the same and therefore their existing educational statement is still valid.

6. *Assignments of Construction Permits.* Seneca supports the current Commission rules of no CP transfers or extensions of time to build. Due to the relatively low costs and equipment engineering involved, with readily available off the shelf devices, these local, simple, stations should be able to complete their projects in 18 months. Allowing for an extension not only delays the mission of the purpose of LPFM, but if transfers of CPs were allowed, there would likely be an increase in trafficking of LPFM permits, which is

not the intent of the original rulemaking. The Commission should maintain current limits and rules.

7. *Voluntary Transfer of Control of LPFM Licenses.* SENECA feels that there should be a mechanism for an organization with an established LPFM station to transfer the station to another qualified entity. SENECA supports the voluntary transfer of control of LPFM licenses to other organizations that specifically meet the NCE qualifications for an LPFM station. This means that the incoming organization must not have any attributable interest in any other broadcast station (full power, low power or translator). If the incoming organization has an attributable interest in another LPFM station, the transfer of control would be conditioned on the cancellation of the other station license/permit or the successful transfer of control of the license/permit to another qualified organization. SENECA opposes the sale of the license or permit. Any consideration made in such a transfer must be for real property at fair market value and any documented assumption of debt and not specifically for the station license or permit itself.

8. Current rules allow after a period of time, the eventual ownership of up to 10 LPFM stations, prohibit multiple ownership of LPFM stations in generally the same area and restrict the first LPFM stations to local. Seneca supports maintaining the existing ownership limits of one LPFM station per organization. We see no need for any further changes in the rules, other than to tighten the LPFM ownership to further limit ownership, possibly no more than 5 stations.

9. *LPFM Stations Being Carried Over Translators.* SENECA feels that LPFM stations should not can be carried over non-commonly owned translators under any conditions.

10. *Intermediate Frequency (IF) Protection.* SENECA proposes to maintain the current Intermediate Frequency (IF) protections to domestic full power and FM translator stations.

11. *Protections to FM Translators.* Seneca believes translator spacing should be maintained.

12. *Translator Reform".* Seneca feels that the current translator system has evolved into nothing short of spectrum disaster. Translators should be reclassified as Fill-in, regional, and distant. Fill in translators are those inside the retransmitted stations 54 dbu contour. Regional translators are those within 400km of the originating station. Distant translators are those that are outside these definitions, usually fed by satellite. We are asking the Commission to reclassify the translators in terms of MX and possible lpfm rulemaking. Fillin translators should be afforded protection. Regional translators should have protection from other translators and LPFM stations. Distant translators should be afforded no protection from fill in, regional, or LPFM stations. They should be able to be bumped for the other categories of translators and LPFM stations. There should not be any grandfathering of these distant translators.

13. LPFM status LPFM stations should not be granted primary status over full power stations or existing regional or fill in translators. This includes LP-10 stations. Full power stations should not be restricted from build out of signals, especially as IBOC builds out.

14. The Commission should encourage Ibiquity to provide a quick path for IBOC conversion that is affordable for LPFM stations, to not inhibit this service.